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IN THE CENTRL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

Regn. No. O.A. 394/86

Date of decision 30.6.1992

Mahabir Singh Premi

Applicant

Shri G.D. Gupta

Counsel for the applicant

vs.

Union of India

Respondents

None

Counsel for the respondents

CORAM

The Hon'ble Mr. Justice Ram Pal Singh, Vice-Chairman(J).

The Hon'ble Mr. I.P. Gupta, Member (A).

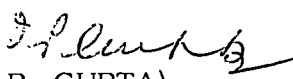
(Judgment of the Bench delivered by Hon'ble
Justice Shri Ram Pal Singh, Vice-Chairman (J) (Oral))

The applicant was working as Assistant Station Master in the DRM'S Office, New Delhi. Vide Annexure I, an order was passed in March 1986 under clause h (ii) of Rule 2045-R II directing the applicant to be retired prematurely after he had attained the age of 55 years. This provision appears to be similar to that of FR 56 (J). The applicant was aggrieved by this order which he challenged before this Tribunal.

2. On notice, the respondents appeared and filed their reply. On 1.7.86, a Bench of this Tribunal declined to grant any interim stay. This case was taken up on 4.7.86 where it was pointed out by the counsel for the respondents that the representation of the applicant for review of his case was not presented through proper channel and, therefore, was not considered on merits. He also informed the Bench that now the Review Committee shall dispose it of i.e. the representation. On this statement, the Bench directed that the operation of Annexure I shall remain stayed i.e. the applicant shall not be compulsorily retired pending further orders. The Bench also observed that this order shall not preclude the Review Committee from considering and disposing of the representation on its own

Ram Pal Singh

merits. After this order was passed on 4.7.86, this case came up on 1.9.86 before the Bench of this Tribunal where the learned counsel for the respondents stated that the Railway Board was still considering this matter and hence respondents required more time for finalising it. While the representation was pending consideration by the Railway Board, the applicant retired from service in the year 1988 after attaining the age of superannuation. Thus, this O.A. has become infructuous. We, therefore dismiss it as infructuous with a direction that the parties shall bear their own costs.


(I.P. GUPTA)
MEMBER (A)


(RAM PAL SINGH)
VICE-CHAIRMAN (J)